

04-08-03



410.019

WB  
4/1/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
L. HEUX et al :  
Serial No.: 10/018,326 : Group: 1615  
Filed: December 10, 2001 :  
For: MICROFIBRILLATED...SOLVENT :

600 Third Avenue  
New York, N.Y. 10016  
April 7, 2003

RECEIVED  
APR 10 2003  
TECH CENTER 1600/2900

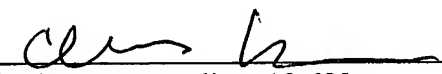
LETTER

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

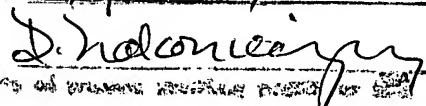
In order to complete the record, Applicants are submitting herewith the English translation of the international preliminary examination report.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
Charles A. Muserlian, 19,683  
Attorney for Applicants  
Tel. # (212) 661-8000

CAM:ds  
Enclosures

Express Mail<sup>®</sup> mailing label  
Number: **EV 24350351345**  
Date of Report: **April 7, 2003**  
This document is for the use of the United States Patent and Trademark Office only. It is not to be distributed to the public. It is to be kept in the files of the Office and is not to be used for any other purpose. It is to be kept in the files of the Office and is not to be used for any other purpose. It is to be kept in the files of the Office and is not to be used for any other purpose.

**April 7, 2003**  


## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR 00/01628	International filing date (day/month/year)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC		
Applicant		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of _____ sheets, including this cover sheet.	
<input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).	
These annexes consist of a total of _____ sheets.	
3. This report contains indications relating to the following items:	
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of the invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 00/01628

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	7, 10, 11	YES
	Claims	1-6, 8, 9, 12-16	NO
Inventive step (IS)	Claims	7, 10, 11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

## 2. Citations and explanations

## PCT Article 33(2)

Document WO 96 22696 (D1) discloses (example 1) a microcrystalline cellulose (Avicel FD 006) dispersed in water. A surfactant, Polycon S60K sorbitan monostearate, is then added to the dispersion. The mixture is homogenised, atomised and dried until the moisture level is 2-4 %. The resulting material can be used as a filling in confectionery. Example 4 discloses how 10 g of Polycon 60 sorbitan monostearate are dissolved in 100 g of 2-propanol, then 90 g of microcrystalline cellulose are added to the solution and the solution is stirred for 5 minutes. Given this disclosure, the subject matter of claims 1-6, 8, 9 and 12-16 is anticipated by D1.

Document WO 96 22080 (D2) discloses (example 1) how 6.2 kg of microcrystalline cellulose in moist agglomerate form are combined with 5.2 kg of water to form a mixture containing around 15 % of solid particles. The mixture is stirred for 15 minutes then combined with 0.25 % weight/weight of sodium lauryl sulphate. Once the components have been intimately combined, the mixture is spray-dried. The resulting product is used as a pharmaceutical excipient (see the abstract). Given this disclosure, the subject matter of claims 14-16 is anticipated by D2.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 00/01628

Document US-A-5 769 934 (D3) discloses a dry mixture of microcrystalline cellulose and a surfactant (claims 33-35). Given this disclosure, the subject matter of claim 14 is anticipated by D3.

No prior art document discloses a dispersion containing a cosurfactant. Therefore, the novelty of the subject matter of claim 7 is acknowledged.

No prior art document discloses a method comprising the following combination of steps: (1) forming an aqueous dispersion, (2) removing water from the dispersion to give a dry mixture, and (3) dispersing the mixture in an organic solvent. Therefore, the novelty of the subject matter of claims 10 and 11 is acknowledged.

## PCT Article 33(3)

The aim of the present invention is to provide suspensions or dispersions of polysaccharide microfibrils and/or microcrystals in organic solvents, particularly non-polar or low-polar solvents, and to provide aqueous suspensions or dispersions of polysaccharide microfibrils and/or microcrystals which, when dried, can be redispersed in water or an organic solvent while retaining their dispersion-related properties.

The prior art does not address this problem and contains no suggestion of a solution thereto. Therefore, an inventive step can be acknowledged in the subject matter of claims 7, 10 and 11 of the present application.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 00/01628

## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The phrase "as defined according to any one of claims 10 to 13" used in claim 10 and claim 15 is unclear (PCT Article 6).
2. The word "around" used in connection with a range of values in claims 4-8 and 11 and the description renders the subject matter of said claims unclear (PCT Article 6).